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U.S. Department of Justice

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May 26, 2005

The Honorable Joseph J. Farnan, Jr. U.S. District Court 844 King Street Wilmington, DE 19801

> United States v. Kamoru Salawu Re:

> > Criminal Action No. 99-62-1-JJF

Civil Case No. 04-261-JJF

Dear Judge Farnan:

In its memorandum submitted in response to the defendant's motion pursuant to 28 U.S.C. § 2255, the United States argued that the rule of law announced in United States v. Booker, 125 S.Ct. 738 (2005), does not apply retroactively to cases on collateral review. After submitting its response, the United States learned that on May 17, 2005, the Third Circuit definitively held just that. Lloyd v. United States, 2005 WL 1155220 (3d Cir. 2005). We respectfully apologize for omitting a reference to Lloyd in our original submission.

Respectfully submitted,

COLM F. CONNOLLY United States Attorney

BY:

Beth Moskow-Schnoll **Assistant United States Attorney**

cc: Kamoru Salawu